REMARKS

By this amendment, claims 110-131 are pending, in which no claims are canceled, withdrawn, currently amended, or newly presented.   No new matter is introduced.

The final Office Action mailed April 24, 2007 rejected claims 110-114 and 120-131 as obvious under 35 U.S.C. § 103 based on *Miller* (US 4,930,152) in view of *Picard et al.* (US 6,233,318), and claims 115-119 as obvious under 35 U.S.C. § 103 based on *Miller* (US 4,930,152) in view of *Picard et al.* (US 6,233,318) and further in view of *LaVallee et al.* (US 5,181,236).

Independent claim 110 recites, *inter alia,* "generating textual information based on the received voicemail message."   Independent claim 120 recites, *inter alia,* "transmitting the voicemail message to a speech processor for conversion of the voicemail message to a different media, wherein the media is forwarded to a device specified by the user."   Independent claim 125 recites, *inter alia,* "wherein the voicemail message is transmitted to a speech processor for conversion of the voicemail message to a different media, the media being forwarded to a device specified by the user."

The Examiner acknowledges that *Miller* lacks a teaching of a voicemail message and the generation of textual information based on a received voicemail message and sending the textual information to a device.   But the Examiner continues to argue that *Picard et al.* teaches these deficiencies of *Miller,* specifically referring to col. 9, lines 2-6, and col. 13, lines 45-49, of *Picard et al.*   Appellants again respectfully traverse the Examiner's rejection and take issue with the Examiner's interpretation of *Picard et al.*

Contrary to the Examiner's position, neither *Miller* nor *Picard et al.* discloses, teaches or suggests the claimed feature of "generating textual information based on the received voicemail message" or the "conversion of the voicemail message to a different media."   It is interesting to

note that the abstract of *Picard et al.* mentions that "For text type messages, such as facsimile and e-mail, the system converts the text into speech and plays the speech to the telephone user." Yet, it says nothing about converting speech, e.g., a voicemail message, into text based on the received voicemail message. Thus, *Picard et al.* does not contemplate "generating textual information based on the received voicemail message," as positively claimed.

Col. 9, lines 2-6, of *Picard et al.*, relied on by the Examiner, states that

When the destination is not the same IMS the message is format
converted as needed. Forwarding to another mailbox on the same IMS
is implemented in the same way as for voice and facsimile, and operates
independently of data type.

It is instructive to go back a few lines, beginning at col. 8, line 55, of *Picard et al.* for an understanding of the cited portion so as not to take the cited portion out of context. The reference states thereat that "Speech-to-text, or voice recognition, is also a means to send text messages from a conventional telephone..." However, there is nothing in this portion of *Picard et al.* indicating that the this "text" was generated "based on the received voice mail message." In fact, when *Picard et al.* mentions sending text from a conventional telephone, there is no indication of a voicemail message at all. Therefore, the reasonable assumption is that this refers to "real-time" speech on the telephone being converted to a text message on the receiving end, as, for example, on a PC or facsimile machine. But, in any event, there is no indication in *Picard et al.* that any text is generated "based on the received voicemail message." *Picard et al.* then goes on to describe forwarding, i.e., the deposit of a copy of a message in a different mailbox. See col. 8, lines 62 *et seq.*, where the reference describes forwarding of a "non-voice" message "because when the message **does not need to be converted to voice**, such as for facsimile messages, the message can be sent either to another mailbox, or to a subscriber-entered facsimile telephone number..." Thus, it appears that the incoming message is already in text form

because if the message were already in voice, it would never need to be converted to voice. Therefore, *Picard et al.* cannot be suggesting the generation of textual information "based on the received voicemail message" because the received message in *Picard et al.* is not in voice-form, i.e., it is not a voicemail message. The reference continues its description onto col. 9, describing the use of the *Picard et al.* system for "other data types (video)." Of course video is not a voicemail message and still does not suggest the presently claimed subject matter. When the reference comes to the portion cited by the Examiner, i.e., col. 9, lines 2-6, stating that "when the destination is not the same IMS the message is format converted as needed," there is absolutely no suggestion that the format conversion referred to by *Picard et al.* is the generation of textual information based on a received voicemail message, as required by the present claims.

At col. 13, lines 45-49, of *Picard et al.*, also cited by the Examiner, the following is recited:

> If the message is native voice or facsimile, and the recipient address
> is not a phone number, the message is sent to the EMS 66, with the
> data converted to a MIME audio or image/tiff type.

This portion of *Picard et al.* clearly refers to a conversion of a native voice or facsimile to an audio or image format. It does not suggest anything about generating "textual information" based on a received voicemail message. Thus, while *Picard et al.* may concern format converting when a destination is not the same integrated messaging system and it may concern the forwarding of messages to other mailboxes, it clearly does not suggest the generation of textual information based on a received voicemail message, as required by applicants' claims.

Moreover, even if the references teach what the Examiner alleges them to teach, an assumption with which applicants strenuously disagree, there would have been no reason to make the combination of *Miller* and *Picard et al.* The Examiner seeks to modify *Miller* with the teachings of *Picard et al.* in order to have *Miller* generate textual information based on a received

voicemail message and then send the textual information to a device. The Examiner's rationale, *in toto*, for making this modification is "in order to send a message to particular destination of different format" [sic, Final Rejection, page 5]. But *Picard et al.* already generally teaches sending messages of different formats to particular locations, so this is no reason for leading a skilled artisan to make the combination suggested by the Examiner. The Examiner's rationale does not explain, in any way, shape, or form, why the references would have been modified to provide for the generation of textual information "based on the received voicemail message," as claimed. The Examiner's rationale is devoid of any reasoning for establishing any relationship between generated textual information and a received voicemail message.

Specifically with regard to independent claims 115, 120 and 125, the Examiner relies on the same portions of *Picard et al.* as relied on for the rejection of independent claim 110. However, while *Picard et al.* discusses a conversion to a MIME audio format, it is silent as to any "speech processor, as positively recited in claims 115, 120, and 125. Since neither reference teaches or suggests the claimed transmission of a voicemail message "to a speech processor for conversion of the voicemail message to a different media," as claimed, the rejection of these claims is improper and should be withdrawn by the Examiner.

At page 3 of the Final Rejection, the Examiner argues that there must have been a "converter" in *Picard et al.* in order to convert an incoming message format into a receiving device message format and that this "converter" is the claimed "speech processor." Applicants disagree.

As explained above with regard to claim 110, *Picard et al.* does not teach or suggest the conversion of a voicemail message to text based on that voicemail message. Accordingly, the Examiner's conclusion that *Picard et al.* somehow teaches this from a general suggestion of

format converting a message at col. 9, lines 2-6, is pure speculation based on impermissible hindsight and not based on any teaching or suggestion of the applied references.

Moreover, as argued above, and for the same reasons, even if the references taught what the Examiner alleges them to teach, an assumption with which applicants strenuously disagree, the Examiner's rationale for making the combination is faulty.

Accordingly, the Examiner has not established a *prima facie* case of obviousness with regard to the subject matter of claims 110-114, and 120-131 and a withdrawal of the rejection of these claims is earnestly requested.

With regard to the rejection of claims 115-119, the Examiner adds *LaVallee et al.* to the combination of *Miller* and *Picard et al.* However, since *LaVallee et al.* fails to provide for the deficiencies of the other references as described above, the rejection of claims 115-119 under 35 U.S.C. § 103 is also improper and a withdrawal of this rejection by the Examiner is also earnestly requested.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

6/22/07
Date
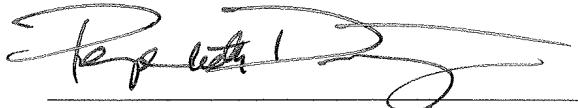
Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

918 Prince Street
Alexandria, VA   22314
Tel. (703) 519-9952
Fax. (703) 519-9958